

United States District Court

EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRIAN WAYNE DAVIS, JR.,

Defendant.

CRIMINAL COMPLAINT

Case No. 23-MJ-169-DES

I, Zachary Brown, the undersigned complainant, state that the following is true to the best of my knowledge and belief.

On or about the 16th day of March 2023, in the Eastern District of Oklahoma, defendant BRIAN WAYNE DAVIS, JR. committed the offense of Murder in Indian Country, in violation of Title 18, United States Code, Sections 1111(a), 1151, and 1153, and Use, Carry, Brandish, and Discharge of a Firearm During and in Relation to a Crime of Violence, in violation to Title 18, United States Code, Section 924(c)(1)(A)(i)-(iii).

I further state that I am a Special Agent with the Federal Bureau of Investigation, and that this complaint is based on the following facts:

(See attached Affidavit of Zachary Brown, which is attached hereto and made a part hereof by reference.)

Continued on the attached sheet.



ZACHARY BROWN, Task Force Officer
Federal Bureau of Investigation

Sworn to:

Date: June 15, 2023

D. EDWARD SNOW
UNITED STATES MAGISTRATE JUDGE
Name and Title of Judicial Officer



Signature of Judicial Officer

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Zachary Brown, a Special Agent with the Oklahoma State Bureau of Investigation (OSBI), being duly sworn, depose and state the following:

INTRODUCTION AND AGENT BACKGROUND

1. I am employed as a Special Agent with the Oklahoma State Bureau of Investigation (OSBI) and have been employed in this capacity since January of 2020. I, Zachary Brown, am a Special Agent (SA) with the Oklahoma State Bureau of Investigation (OSBI) and a Task Force Officer with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state as follows: Your Affiant is currently employed as a law enforcement officer on an FBI Task Force within the meaning of Federal Rules of Criminal Procedure 41 (a)(2)(C), that is a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant. I am currently assigned to the OSBI Southeast Regional Office in Oklahoma. My responsibilities include the investigation of possible violations of state and federal law, including the investigation of Indian Country violations under Title 18, United States Code, Sections 1151, 1152, and 1153. I have participated in victim interviews, witness interviews, suspect interviews and the use of search warrants on cellular telephones to retrieve evidence and data, the use of Global Positioning System (GPS) information obtained through mobile phones to successfully locate persons, and the use of consensually recorded conversations for evidentiary purposes.

2. This affidavit is made in support of an application for a complaint charging BRIAN WAYNE DAVIS JR. committed the offense of Murder in Indian Country, in violation of Title 18, United States Code, Sections 1111(a), 1151, and 1153, and Use, Carry, Brandish, and Discharge of a Firearm During and in Relation to a Crime of Violence, in violation to Title 18, United States Code, Section 924(c)(1)(A)(i)-(iii).

3. The statements contained in this affidavit are based in part from my personal observations; information provided by other law enforcement agencies; my review of written reports and other documents about this investigation that I have received, directly or indirectly, from other law enforcement agents/officers; and my training and experience as a Special Agent with the OSBI. This affidavit is intended to show merely that there is sufficient probable cause to believe BRIAN WAYNE DAVIS JR. (“Davis”) committed the above-described offense and does not set forth all of my knowledge about this matter. Furthermore, unless otherwise stated, all statements contained in this Affidavit are summaries in substance and in part. The following is true to the best of my knowledge and belief.

PROBABLE CAUSE

4. On March 16, 2023, the McAlester Police Department responded to 501 East South Avenue, city of McAlester and county of Pittsburg, for a “shots fired” call for service. Upon arrival at the scene, McAlester Police Officers located G.P. who was deceased with an apparent gunshot wound to the chest inside the residence at 501 East South Avenue, McAlester, Oklahoma 74501 (“residence”). Residence is located within the Eastern District of Oklahoma and the boundaries of the Choctaw Nation. Multiple witnesses were interviewed and identified Brian Davis as having shot G.P. in the chest before fleeing. Davis is an enrolled member of the Choctaw Nation.

5. On March 19, 2023, C.M. was interviewed by OSBI. C.M. stated that on March 16, 2023, she was at the residence on East South Avenue in McAlester, Oklahoma when G.P. and Davis began to argue. According to C.M., G.P. made disparaging remarks about A.S. and Davis became enraged. C.M. then saw a flash and heard two gunshots. She realized then that G.P. had been shot by Davis.

6. On March 21, 2023, OSBI located K.M., who was also reportedly at the residence at the time of G.P.’s death. K.M. disclosed that on March 16, 2023, she went to the residence on

East South Street in McAlester, Oklahoma. K.M. was in the neighboring room when she heard what she described as fireworks. According to K.M., multiple people were inside the room when G.P. was shot. Those people left the room and told K.M. what had transpired.

7. On March 16, 2023, L.F. was at the residence in the room with multiple other people and reported to OSBI having seen Davis fire one shot at G.P. with a semi-automatic style handgun, possibly white in color, that also included a holster. After the shooting, L.F. fled the room.

8. On March 16, 2023, N.M. was at his mother's house, C.H., when Davis, a/k/a "LURCH", and his girlfriend, L.S., came by trying to sell a speaker. N.M. needed a ride to McAlester and Davis said they would give N.M. a ride. They rode in L.S.'s car. N.M. believed the car was a black "soccer mom" car. On the way to McAlester, N.M. heard Davis talking about some guy that had done something to his "sister." Davis was mad about whatever it was. N.M. also thought Davis had a gun "on him" by the way he walked and carried himself. Davis was also "tripping" about cops on the way to the house. When they got to McAlester, they stopped at a two-story, white house that had a privacy fence. There was a lot of people at the house, but N.M. did not know them. While in the house, N.M. stayed in a different room than Davis. N.M. heard Davis and G.P. arguing about a girl named "CECE" but she was not there. G.P. was cooking food and Davis was mad about "CECE" getting kicked out. Davis also asked G.P. why he took his "sister's" door off the hinges. Davis was yelling at G.P. N.M. then heard a "chick chick" noise, and he knew it was a gun. N.M. started toward the door when he heard the first gunshot. N.M. was running out of the house when he heard another gunshot. N.M. knew Davis was affiliated with the Aryan

Brotherhood. N.M. believed Davis had a “white boy” tattoo on his neck and horns somewhere, since Davis was affiliated.

9. J.M. knew Davis as “LURCH” and did not like Davis. J.M. heard Davis was supposedly affiliated with the United Aryan Brotherhood. N.M. told J.M. he had received a ride to McAlester from Davis and some girl who J.M. could not remember. N.M. told J.M. that Davis stopped at his “sister’s house” because someone had taken her door off. N.M. said there was an argument between Davis and G.P. N.M. then said Davis shot G.P. two times with a pistol. After Davis shot G.P., N.M. ran from the house and got a ride from his cousin. J.M. and N.M. had also heard that Davis had been looking for N.M.

CONCLUSION

10. Based on the forgoing, I submit there is probable cause to believe BRIAN WAYNE DAVIS JR. committed the offense of Murder in Indian Country, in violation of Title 18, United States Code, Sections 1111(a), 1151, and 1153, and Use, Carry, Brandish, and Discharge of a Firearm During and in Relation to a Crime of Violence, in violation to Title 18, United States Code, Section 924(c)(1)(A)(i)-(iii).

Respectfully submitted,



Zachary Brown, Task Force Officer
Federal Bureau of Investigation

Sworn to on June 15, 2023.



UNITED STATES MAGISTRATE JUDGE
D. EDWARD SNOW